



Appendix J

SUBSTANTIAL CONFORMANCE REVIEW CHECKLIST



SUBSTANTIAL CONFORMANCE REVIEW CHECKLIST**MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM**

Purpose: This Substantial Conformance Review (SCR) Checklist is intended to be used by Development Services ~~Department~~ Staff as an aid in reviewing storm water system maintenance projects for consistency with the ~~Master Site Development Permit (SDP)~~ and Coastal Development Permit (CDP) based on conformance with the Mitigation, Monitoring and Reporting Program (MMRP); the Maintenance Protocols contained in the Master Program; and the ~~Master Site Development Permit~~ SDP and CDP Conditions. It will also assist in the determination as to whether the maintenance activity should be approved through Process One or Process Two.

Date: _____

Name of Preparer: _____

Phone Number: _____

Email: _____

ACTIVITY INFORMATION

Master Program

Map #(s): _____

City Equipment #(s): _____

Creek Name: _____

Watershed(s): _____

Location: _____

DOCUMENTS INCLUDED IN ~~CONSISTENCY DETERMINATION~~ SCR PACKAGE

Included NA Document

- | | | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | Individual Maintenance Plan (IMP) |
| ☐ | ☐ | Individual Biological Assessment (IBA) |
| ☐ | ☐ | Individual Historical Assessment (IHA) |
| ☐ | ☐ | Individual Hydrologic and Hydraulic Assessment (IHHA) |
| ☐ | ☐ | Individual Water Quality Assessment (IWQA) |
| ☐ | ☐ | Individual Noise Assessment (INA) |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program PEIR Mitigation, Monitoring, and Reporting Program			
General Mitigation			
1	Have mitigation measures for impacts to biological resources, historical resources, land use, and paleontological resources, as appropriate, been included in entirety on the submitted maintenance documents and contract specifications, under the heading, "Environmental Mitigation Requirements"? (General Mitigation Measure 1)		
2	Is a Pre-maintenance Meeting required, including, as appropriate, the Mitigation Monitoring Coordinator (MMC), Storm Water Division (SWD) Project Manager, Biological Monitor, Historical Monitor, Paleontological Monitor, and Maintenance Contractor (MC), and other parties of interest? (General Mitigation Measure 2)		
3	Is there documented evidence of compliance with other permitting authorities (e.g., copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the Assistant Deputy Director [ADD] Environmental Designee), as applicable? (General Mitigation Measure 3)		

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Master Program PEIR Mitigation, Monitoring, and Reporting Program			
General Mitigation (cont.)			
4	Is there documented evidence of compliance with Section 1602 of the State of California Fish & Game Code (e.g., copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee), as applicable? (General Mitigation Measure 4)		
Biological Resources			
5	Has a qualified biologist prepared an IBA for each area proposed to be maintained in accordance with the specifications included in the Master Program? (Mitigation Measure 4.3.1)		
6	Have the IMPs and IBAs for maintenance activities within a proposed annual maintenance program been approved by the City's Assistant Deputy Director (ADD) Environmental Designee and state and federal agencies with jurisdiction over maintenance activities? (Mitigation Measure 4.3.2)		
7	Has an IBA been prepared by a qualified biologist for each proposed maintenance activity, including the required contents? (Mitigation Measure 4.3.3)		

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Master Program PEIR Mitigation, Monitoring, and Reporting Program			
Biological Resources (cont.)			
8	Has a mitigation account been established to provide sufficient funds to implement all biological mitigation associated with the proposed maintenance act? (Mitigation Measure 4.3.4)		
9	Has evidence been provided documenting approval of the proposed maintenance by permitting authorities? (Mitigation Measure 4.3.5)		
10	Does the IMP call for a pre-maintenance meeting, if identified in the associated IBA? (Mitigation Measure 4.3.6)		
11	Does the IBA for each proposed maintenance activity identify appropriate wetland mitigation measures according to the ratios identified in Table 4.3-10? (Mitigation Measure 4.3.9)		
12	Have wetland mitigation plans and enhancement and/or restoration plans been prepared and submitted to the DSD pursuant to the requirements described in Mitigation Measure 4.3.10? Are they consistent with Appendix H of the Biological Technical Report (BTR) contained in Appendix D.3 of the PEIR? (Mitigation Measure 4.3.10)		
13	Would upland impacts be compensated through payment into the City's Habitat Acquisition Fund, or through acquisition and/or preservation of land in accordance with the ratios and requirements identified in Table 4.3-11? (Mitigation Measure 4.3.11)		

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Master Program PEIR Mitigation, Monitoring, and Reporting Program			
Biological Resources (cont.)			
14	If the maintenance activity would result in loss of habitat for the coastal California gnatcatcher, is mitigation planned (i.e., through the acquisition of suitable habitat or mitigation credits within the MHPA at a ratio of 1:1, to be accomplished within six months of the date of maintenance completion? (Mitigation Measure 4.3.12)		
15	If sensitive biological resources may be impacted, would the monitoring biologist be able to verify that the following actions have been taken: • Has fencing, flagging, signage, or other means to protect sensitive resources been implemented? • Are noise attenuation measures needed to protect sensitive wildlife in place and effective? • Have nesting raptors been identified and necessary maintenance setbacks have been established if maintenance is to occur between February 1 and August 1? (Mitigation Measure 4.3.13)		
16	Have off-site mitigation areas been reviewed to determine if the mitigation would have a significant impact on biological resources located within the disturbance area of the mitigation? If so, have appropriate mitigation measures been proposed to reduce these impacts to below a level of significance? (Mitigation Measures 4.3.14)		

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Master Program PEIR Mitigation, Monitoring, and Reporting Program			
Biological Resources (cont.)			
17	Does the IBA discuss appropriate actions to offset impacts to listed or endemic sensitive plant species? (Mitigation Measure 4.3.15)		
18	Would maintenance activities meet setback requirements for sensitive species? (Mitigation Measure 4.3.16)		
19	Would clearing, grubbing, or grading (inside and outside the MHPA) be restricted during the breeding season of the listed species? Have protocol surveys been conducted for other potentially occurring sensitive species? If observed, have adequate mitigation measures been identified in the IBA? (Mitigation Measure 4.3.17)		
20	Has evidence been submitted to document that protocol surveys have been conducted for potentially occurring sensitive bird species? (Mitigation Measure 4.3.18)		
21	Has the IBA included appropriate mitigation measures when the potential exists for a sensitive bird species to occur near a proposed maintenance area and no protocol surveys have been conducted? (Mitigation Measures 4.3.19, 20 and 21)		
22	Would removal of any eucalyptus trees or other trees used by raptors for nesting be proposed within the maintenance area? If yes, would maintenance include appropriate setbacks and limitations? (Mitigation Measure 4.3.22)		
23	Would maintenance activities occur at known localities for listed fish species? If yes, would maintenance include appropriate mitigation? (Mitigation Measure 4.3.23)		

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Biological Resources (cont.)			
24	Would maintenance activities occur within areas supporting listed and/or narrow endemic plants? If yes, would maintenance proceed as described in Mitigation Measure 4.3.24?		
25	If maintenance is proposed during the nesting season of avian species, including those species not covered by the MSCP, does the IBA require maintenance within or adjacent to avian nesting habitat occur outside of the avian breeding season (January 15 to August 31) unless postponing maintenance would result in a threat to human life or property? (Mitigation Measure 4.3.25)		
Historical Resources			
26	Has a qualified archaeologist determined the potential for significant historical resources to occur in the maintenance area and prepared an IHA? (Mitigation Measure 4.4.1)		
27	Has an Individual Historical Assessment (IHA) been prepared for the proposed maintenance? (Mitigation Measure 4.4.1)		
28	If required, has a field survey of the maintenance activity APE been performed by a qualified archaeologist and a Native American monitor? (Mitigation Measure 4.4.1)		
29	Has a record search been requested from the South Coastal Information Center (SCIC)? (Mitigation Measure 4.4.1)		
30	Has an archaeological testing program been performed based on the City's Historical Resources Guidelines? (Mitigation Measure 4.4.1)		

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Master Program PEIR Mitigation, Monitoring, and Reporting Program			
Historical Resources (cont.)			
31	Have significant historical resources been identified within the proposed maintenance activity APE? If yes, address criteria numbers 36 through 42. If no, proceed to criteria number 43. (Mitigation Measures 4.4.1 and 4.4.2)		
32	Has a Principal Investigator (PI) been selected and approved by the SWD and ADD Environmental Designee? (Mitigation Measure 4.4.2.1)		
33	Have mitigation recommendations from the IHA been incorporated into the IMP to the satisfaction of the PI and the ADD Environmental Designee? (Mitigation Measure 4.4.2.2)		
34	If impacts to significant historical resources cannot be avoided, has the PI prepared and implemented an Archaeological Research Design and Data Recovery Program (ARDDRP) for the affected resources, with input from a Native American consultant (approved by the ADD Environmental Designee? (Mitigation Measure 4.4.2.3)		
35	Has a pre-maintenance meeting been planned and/or conducted on site, including representatives from the PI, Native American consultant, SWD, MMC, Resident Engineer (RE), and MC? (Mitigation Measure 4.4.2.4)		
36	If human remains have been discovered in the course of conducting the ARDDRP, would the procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) be implemented? (Mitigation Measure 4.4.2.5)		

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Historical Resources (cont.)			
37	Will the PI and Archaeologist assume required responsibilities? (Mitigation Measures 4.4.2.6, 4.4.2.7, and 4.4.2.8)		
38	If the IHA identifies a moderate to high potential for the occurrence of significant historical resources within the APE, would mitigation measures be implemented? (Mitigation Measure 4.4.3)		
Land Use			
39	Has the ADD Environmental Designee verified that all MHPA boundaries and limits of work have been delineated on all maintenance documents? (Mitigation Measure 4.1.1)		
40	Has a qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) recovery permit) surveyed habitat areas inside and outside the MHPA suspected to serve as habitat for the coastal California gnatcatcher, least Bell's vireo and/or other listed species? (Mitigation Measure 4.1.2)		
41	Has a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) performed a noise analysis for the proposed maintenance activity? (Mitigation Measure 4.1.3)		
42	Would the proposed maintenance have the potential to impact breeding activities of listed species? If yes, would maintenance activities be restricted to the breeding season? (Mitigation Measure 4.1.4)		

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Master Program PEIR Mitigation, Monitoring, and Reporting Program			
Land Use (cont.)			
43	If maintenance cannot be avoided during an identified breeding season for a listed bird which is determined to be potentially significantly affected by maintenance, would the appropriate measures be taken? (Mitigation Measure 4.1.5)		
44	Has a pre-maintenance meeting been planned and/or conducted, including the MC, Project Biologist, and City representative? (Mitigation Measure 4.1.6)		
45	Does the IMP include appropriate maintenance designs? (Mitigation Measure 4.1.7)		
46	Has the ADD Environmental Designee verified that the MHPA boundaries and the requirements regarding coastal California gnatcatcher been included in the IMP and/or IBA? (Mitigation Measure 4.1.8)		
Master Program Protocols			
Water Quality			
47	Does the IMP include measures to stabilize designated access roads (or other graded areas) with permeable protective surfacing (e.g., grasscrete), storm water diversion structures (e.g., brow ditches or berms), or crossing structures (e.g., culverts) to control erosion and prevent off-site sediment transport? (WQ-1)		

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program Protocols (cont.)			
Water Quality (cont.)			
48	Does the IMP include measures to prevent off-site sediment transport during maintenance through the use erosion and sediment controls within storm water facilities, along access routes and around stockpile/staging areas? Will temporary erosion or sediment control measures be removed upon completion of maintenance unless their removal would result in greater environmental impact than leaving them in place? (WQ-2)		
49	Does the IMP require storage of BMP materials on-site in a way that provides complete protection of exposed areas and prevent off-site sediment transport? (WQ-3)		
50	Does the IMP require training for personnel responsible for the proper installation, inspection, and maintenance of on-site BMPs. (WQ-4)		
51	Does the IMP require revegetation of spoil and staging areas within 30 days of completion of maintenance activities? Does it require monitoring and maintenance of revegetated areas for a period of not less than 25 months following planting? (WQ-5)		
52	Does the IMP require sampling and analysis; monitoring and reporting; and post-maintenance management programs per National Pollutant Discharge Elimination System (NPDES) and/or City requirements? (WQ-6)		

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program Protocols (cont.)			
Water Quality (cont.)			
53	Does the IMP prohibit storing hazardous materials used during maintenance within 50 feet from storm water facilities? Does it require hazardous materials to be managed and stored in accordance with applicable local, state and federal regulations? (WQ-7)		
54	Does the IMP prohibit storage of maintenance-related trash in areas within 50 feet from storm water facilities, and require removal of trash in receptacles at least weekly? (WQ-8)		
55	Does the IMP require installation of any check dam or other comparable mechanism identified in the corresponding IHHA? Are these structures required to be removed when vegetation growth has reached a point where the structure is no longer required unless removal would result in greater environmental harm than leaving them in place? (WQ-9)		
56	Does the IMP require inspection of earthen-bottom storm water facilities within 30 days of the first 2-year storm following maintenance? Are erosion control measures recommended by the field engineer incorporated into the IMP? (WQ-10)		
57	<u>Does the IMP incorporate mitigation measures identified in the IWQA and/or Table 4.8-8 of the PEIR?</u>		

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program Protocols (cont.)			
Biological Resource Protection			
<u>5758</u>	Does the IMP restrict vehicles to access designated in the Master Program? (BIO-1)		
<u>5859</u>	Does the IMP require delineation and flagging of all sensitive biological resources to remain within or adjacent to the maintenance area? (BIO-2)		
<u>5960</u>	Does the IMP require a pre-maintenance meeting when maintenance will occur within or adjacent to sensitive biological resources? (BIO-3)		
<u>6061</u>	Are erosion control measures designed to avoid introduction of invasive plant species? (BIO-4)		
<u>6162</u>	Does the IMP require conducting pre-maintenance protocol surveys if maintenance is proposed during the breeding season of a sensitive animal species? (BIO-5)		
<u>6263</u>	If arundo will be removed during maintenance, does the IMP include appropriate removal methods to minimize downstream dispersal? (BIO-6)		
<u>6364</u>	Does the IMP prohibit the use of mechanized maintenance within 300 feet of a Cooper's hawk nest, 900 feet of a northern harrier's nest, or 500 feet of any other raptor's nest until any fledglings have left the nest? (BIO-7)		
Historical Resource Protection			
<u>6465</u>	Does the IMP call for flagging, capping, or fencing of all historical resource areas in the field prior to initiation of maintenance activities in the presence of a qualified historical resource specialist, as necessary)? (HIST-1)		

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program Protocols (cont.)			
Historical Resource Protection (cont.)			
<u>6566</u>	Does the IMP require a pre-maintenance meeting on-site when maintenance activities are determined in the IHA to potentially impact historic resources? (HIST-2)		
Waste Management			
<u>6667</u>	Does the IMP call for disposal of compostable green waste material at an approved composting facility, if available? (WM-1)		
<u>6768</u>	Does the IMP call for screening of soil, sand, and silt to remove waste debris and, wherever possible, to be re-used as fill material, aggregate, or other raw material? (WM-2)		
<u>6869</u>	Does the IMP call for separation and transport of waste tires to an appropriate disposal facility, including the completion of a Comprehensive Trip Log (CTL) if more than nine tires are in a vehicle or waste bin at any one time? (WM-3)		
<u>6970</u>	Does the IMP require hazardous materials encountered during maintenance to be logged under a hazardous materials manifest and transported to an approved hazardous waste storage, recycling, treatment or disposal facility? (WM-4)		